

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 1 - 18 are currently pending in the application. No claim has been allowed.

By the present amendment, claims 1, 6, 10, and 18 have been amended and new claims 19 - 22 have been added to the application.

In the office action mailed October 3, 2006, claims 1, 3 - 5, and 7 - 9 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,951,658 to Morgan et al.; claims 1, 2, 7 - 10, 15, and 18 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,320,094 to Arnold; and claims 3 - 6, 11 - 14, 16, and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold in view of Morgan et al.

The foregoing rejections are traversed by the instant response.

With respect to the rejection of claims 1, 3 - 5 and 7 - 9 on anticipation grounds over Morgan et al., it should be appreciated that the Morgan et al. patent relates to an eye patch which completely covers the user's eye and not to a sports vision training device. The Morgan et al. eye patch completely blocks the user's vision in all directions.

Claim 1 as amended herein now clearly states: "said piece of material being positioned beneath an individual's eye without said

piece of material covering any portion of said eye so that said piece of material interferes with said individual's ability to look at said sporting object while attempting to control said sporting object due to said thickness while allowing said individual to look forward and up without any vision obstruction." It is submitted that the Morgan et al. eye patch does not meet this limitation and therefore can not anticipate amended claim 1.

Claims 3 - 5 and 7 - 9 are allowable for the same reasons as claim 1 and further on their own accord.

With respect to the rejection of claims 1, 2, 7 - 10, 15, and 18 as being anticipated by U.S. Patent No. 6,320,094 to Arnold, this rejection is no longer viable in view of the amendments to claims 1, 10, and 18. Arnold is also directed to an eye patch which completely covers the user's eye and prevents vision in any direction. Further, the Arnold eye patch is no positioned beneath the eye. Rather, it is positioned over the eye.

Claim 1 is allowable over Arnold for the same reasons that it is allowable over Morgan et al. Arnold suffers from the same deficiencies.

Claim 10 has been amended to say "each said member being adhesively applied to one of the cheeks under an eye of said individual without covering any portion of said eye and without interfering with the individual's ability to see in upward and forward directions." Arnold does not teach or suggest such a

member. Therefore, it can not anticipate the subject matter of amended claim 10.

Claim 18 has been amended to say "positioning said at least one member on at least one cheek under an eye of said individual in a position which does not cover any portion of said eye so that said thickness interferes with the individual's ability to look downwardly at a sports object being controlled by the individual and to restrict said individual's field of vision to looking forward and up towards a field of play and at least one person on said field of play." Arnold does not teach or suggest such a method step. Clearly, the Arnold eye patch covers a user's eye. Therefore, it can not anticipate the subject matter of amended claim 18.

Claims 2, 7 - 9 and 15 are allowable for the same reasons as their parent claims as well as on their own accord.

With respect to the rejection of claims 3 - 6, 11 - 14, 16, and 17 on obviousness grounds, these claims are allowable for the same reasons as their parent claims as well as on their own accord.

New claims 19 - 22 are allowable for the same reasons as claim 1, as well as on their own accord. None of the cited and applied references teaches or suggests the subject matter of claims 21 and 22.

For the foregoing reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

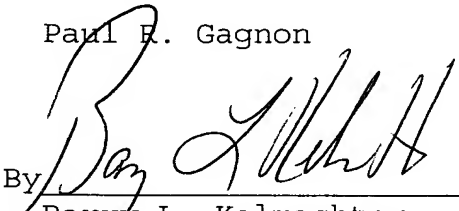
Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, she is hereby invited to contact Applicant's attorney at the telephone number listed below.

A check in the amount of \$100.00 is enclosed herewith to cover the cost of the extra claim fee. Should the Director determine that an additional fee is due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,

Paul R. Gagnon

By


Barry L. Kelmachter
BACHMAN & LaPOINTE, P.C.
Reg. No. 29,999
Attorney for Applicant

Telephone: (203)777-6628 ext. 112

Telefax: (203)865-0297

Email: docket@bachlap.com

Date: January 3, 2007

I, Karen M. Gill, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on January 3, 2007.

